

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JENNIFER LEIGH RICE,

Petitioner,

v.

JANE PARNELL,

Respondent.

CASE NO. C15-5381BHS

ORDER GRANTING
PETITIONER'S MOTION FOR
AN EXTENSION OF TIME

This matter comes before the Court on Petitioner Jennifer Leigh Rice's ("Rice") motion for an extension of time to file notice of appeal (Dkt. 22).

On April 26, 2016, the Court entered a judgment against Rice denying her petition for a writ of habeas corpus. Dkt. 18. On June 10, 2016, Rice filed a notice of appeal. Dkt. 19. On July 29, 2016, the Ninth Circuit remanded the matter for the limited purpose of deciding whether Rice's response to the Ninth Circuit's order to show cause may be construed as a motion for an extension of time to appeal and, if so, whether to grant the motion. Dkt. 21. On August 22, the Court directed the Clerk to note Rice's response as a motion. On August 26, 2016, the Government responded and opposes any extension. Dkt. 23.

1 The district court may extend the time to file a notice of appeal if a party so moves
2 no later than 30 days after the time prescribed by this Rule 4(a) expires and that party
3 shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5)(A).

4 In this case, Rice filed her notice approximately fifteen days late. Taking the
5 allegations in the light most favorable to Rice, the Court finds that she is entitled to the
6 good cause standard and has shown good cause for the delay. Rice alleges that delays
7 within the institution's mail system as well as limited access to the law library led to her
8 inability to discover her right to appeal. It was not until she received help from outside
9 the institution that she discovered she could appeal the Court's judgment. After that, she
10 promptly appealed. Therefore, the Court **GRANTS** Rice's motion for an extension of
11 time because she has shown good cause for the short delay.

12 **IT IS SO ORDERED.**

13 Dated this 27th day of September, 2016.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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